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REMARKS

Claims 1-7, 9-15, 17-21, 23-28, 30-40 and 47-69 are pending. Claims 8, 16, 22 and 29 were previously cancelled in a Preliminary Amendment dated March 28, 2003. Claims 41-46 were withdrawn by an election in response to a restriction requirement.

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

The In-Person Interview

Initially, Applicants wish to thank Examiner Nasser for granting and attending the in-person interview with Attorney of Record Caleb Pollack, Reg. No. 37,912, and a representative of the assignee, Rachel Ben-Tov, on October 22, 2003.

In the interview, the claims and prior art references Swain (WO 98/11816), Kilcyone (US Patent 6,285,897), Kovacs (US Patent 5,833,603) and Iddan (US Patent 5,604,531) were discussed.

Applicants' representatives and the Examiner discussed the meaning of the phrase "configured for being immobilized". It was clarified that "configured for being immobilized" indicates the inclusion of a structure specifically designed to, amongst possible other functions, allow a device to be immobilized in-vivo. For example, such structure may include, inter alia, structures disclosed in the specification, e.g. clamps, hooks and other suitable structures as defined by the specification.

The Examiner agreed that an amendment in the form discussed in the interview, changing the term "sensing" to "imaging" (and possible similar amendments) would overcome the prior art rejections of record.

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Remarks to the Drawings

Examiner Nasser withdrew his objection to the drawings under 37 CFR 1.83(a) during the October 22, 2003 interview. Applicants kindly request the Examiner confirm withdrawal of this objection in a subsequent communication.

STATUS OF CLAIMS

Claims 1-7, 9-15, 17-21, 23-28 and 30-69 are pending in the application of which claims 41-46 have been withdrawn from consideration. Claims 1-7, 9-15, 17-21, 23-28 and 30-40 47-69 have been rejected.

Claims 9, 20, 30, 49, 52, 59, 61, 62, 66 and 69 are canceled herein without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 52, 59, 61, 62 and 69 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Claims 52, 59, 61, 62 and 69 are cancelled hereinabove. The rejection is therefore moot.

In the Office Action, the Examiner rejected claim 38 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended claim 38 to correct a drafting error. The discussed amendment which has been submitted hereinabove overcomes the rejection.

The amendments to claim 38 are not being made for reasons of patentability and do not narrow the scope of the claims. These amended claims are not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.

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35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 2, 4-7, 9, 11, 12, 18-20, 23, 24, 26-28, 30, 32-34 and 53-54 under 35 U.S.C. § 102(b), as being anticipated by Iddan, et al. (US Patent 5,604,531). Applicants respectfully traverse this rejection.

The Examiner rejected claims 1, 4-7, 9, 11, 12, 13, 17-21, 23, 26-28, 30, 32-35, 38-40, 47-51, 53-58, 60, 67 and 68 under 35 U.S.C. § 102(b), as being anticipated by Swain, et al. (WO 98/11816). Applicants respectfully traverse this rejection.

The Examiner rejected claims 1, 2, 4-7, 11-13, 17-19, 21, 23, 24, 26-28, 32-35, 38-40, 47, 48, 50, 51, 53-54, 63-65 under 35 U.S.C. § 102(e), as being anticipated by Kilcoyne, et al. (US Patent 6,285,897). Applicants respectfully traverse this rejection.

In the October 22, 2003 interview, Applicant's representatives discussed proposed claim amendments with the Examiner and it was agreed that such amendments would overcome the prior art rejections. These amendments are reflected above. In addition, Claims 9, 30 and 49 have been cancelled. Applicants submit therefore that the prior art rejections of claims 1, 2, 4-7, 9, 11, 12, 18-20, 23, 24, 26-28, 30, 32-34 and 53-54 under 35 U.S.C. § 102(b), as being anticipated by Iddan, claims 1, 4-7, 9, 11, 12, 13, 17-21, 23, 26-28, 30, 32-35, 38-40, 47-51, 53-58, 60, 67 and 68 under 35 U.S.C. § 102(b), as being anticipated by Swain, and claims 1, 2, 4-7, 11-13, 17-19, 21, 23, 24, 26-28, 32-35, 38-40, 47, 48, 50, 51, 53-54, 63-65 under 35 U.S.C. § 102(e), as being anticipated by Kilcoyne have been overcome.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 3 and 25 under 35 U.S.C. § 103(a), as being unpatentable over Kilcoyne, et al. (US Patent 6,285,897) in view of Sohrab (US Patent 6,549,796). As discussed above, claims 23 and 53 are allowable. Each of claims 3 and 25 depend from one of claims 23 and 53, and therefore include the limitations of one of these claims. Therefore claims 3 and 25 are likewise allowable. Applicants therefore request the Examiner to withdraw the rejection of claims 3 and 25 under 35 U.S.C. § 103(a), as being unpatentable over Kilcoyne in view of Sohrab.

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The Examiner rejected claims 9, 20, 30, 49, 66, 67 and 68 under 35 U.S.C. § 103(a), as being unpatentable over Kilcoyne, et al. (US Patent 6,285,897) in view of Swain (WO 98/11816). Claims 9, 20, 30, 49, and 66 have been cancelled. As discussed above, claims 1 and 23 are allowable. Each of claims 67 and 68 depend from one of claims 1 and 23, and therefore include the limitations of one of these claims. Therefore claims 67 and 68 are likewise allowable. Applicants therefore request the Examiner to withdraw the rejection of claims 9, 20, 30, 49, 66, 67 and 68 under 35 U.S.C. § 103(a), as being unpatentable over Kilcoyne in view of Swain.

The Examiner rejected claims 10 and 31 under 35 U.S.C. § 103(a), as being unpatentable over Kilcoyne, et al. (US Patent 6,285,897) in view of Fiddian Green (US Patent 6,285,897). As discussed above, claims 1 and 23 are allowable. Each of claims 10 and 31 depend, directly or indirectly, from one of claims 1 and 23, and therefore include the limitations of one of these claims. Therefore claims 10 and 31 are likewise allowable. Applicants therefore request the Examiner to withdraw the rejection of claims 10 and 31 under 35 U.S.C. § 103(a), as being unpatentable over Kilcoyne in view of Fiddian Green.

The Examiner rejected claims 14, 15, 36 and 37 under 35 U.S.C. § 103(a), as being unpatentable over Kilcoyne, et al. (US Patent 6,285,897). The Examiner also rejected claims 14, 15, 36 and 37 under 35 U.S.C. § 103(a), as being unpatentable over Swain, et al. (WO 98/11816). As discussed above, claims 1 and 23 are allowable. Each of claims 14, 15, 36 and 37 depend, directly or indirectly, from one of claims 1 and 23, and therefore include the limitations of one of these claims. Therefore claims 14, 15, 36 and 37 are likewise allowable. Applicants therefore request the Examiner to withdraw the rejection of claims 14, 15, 36 and 37 under 35 U.S.C. § 103(a), as being unpatentable over Kilcoyne and the rejection of claims 14, 15, 36 and 37 under 35 U.S.C. § 103(a), as being unpatentable over Swain.

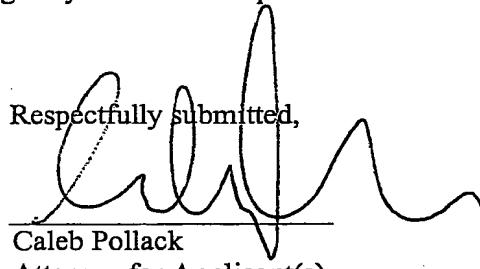
Conclusion

Applicants submit that, for at least the reasons presented above, the Applicants' claims are patentable. Their favorable reconsideration and allowance is respectfully requested.

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Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

A request for a one month extension of time with the appropriate fee is being submitted separately. No further fee is believed to be due associated with this paper, however, if any such fee is due, please charge any such fee to deposit account No. 05-0649.

Respectfully submitted,

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